

FILED
JAMES BONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAN 14 AM 10:21
U.S. DISTRICT COURT

JOSEPH BREITFELDER	:	Case No. C-1-01-617
	:	
Plaintiff	:	JUDGE BECKWITH
	:	
vs.	:	MAGISTRATE HOGAN
	:	
HAMILTON COUNTY SHERIFF	:	<u>AFFIDAVIT OF STEPHEN K. SHAW</u>
SIMON LEIS, et al.	:	<u>IN SUPPORT OF MOTION FOR</u>
	:	<u>CONTEMPT</u>
Defendants	:	

STATE OF OHIO	:	
	:SS	
COUNTY OF HAMILTON	:	

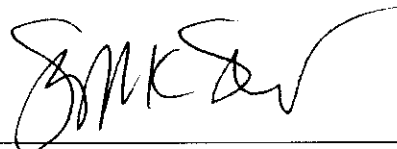
Now comes Stephen K. Shaw, who after being duly sworn, subscribed his name to the following statements:

1. I am Trial Counsel for the Hamilton County defendants in this action. I am an Assistant Hamilton County Prosecuting Attorney.
2. On October 6, 2003, I sent a letter to Lu Bernard seeking payment of the cancellation fee of Dr. Manges as ordered by this court. At that time I offered to forego collection of the attorney fee award, hoping to induce prompt payment of the cancellation fee. I also sought to encourage settlement of the claims. This is attached as Exhibit 1.
3. As of December 15, 2003, I had not received any response from Mr. Bernard regarding payment of the cancellation fee or any response to my settlement inquiry. In the meantime, the County had incurred additional time and expense in drafting a payment of

the cancellation fee and in preparing transmittal correspondence. Additional bookkeeping would also be required to log the reimbursement of that fee. Therefore, on December 15, 2003, I advised Mr. Breitfelder that my offer to forego collection of the Attorney fee portion of the order was withdrawn and I requested payment of the entire amount due no later than December 31, 2003, per this Court's Order. This letter is attached as Exhibit 2.

4. On January 6, 2004, my paralegal, Carolyn Blocksom sent a followup reminder to Mr. Bernard. This letter is attached as Exhibit 3. There has been no response to either of these letters.
5. As of today's date, I have not received any payment from the plaintiff or his counsel relating to the payment of the cancellation fee or the attorney fees as ordered by this court on September 11, 2003, to be paid by December 31, 2003.
4. I have expended the equivalent of \$150.00 attorney time in the preparation of this motion and affidavit. I have spent in excess of one hour at a rate of \$150.00 per hour.

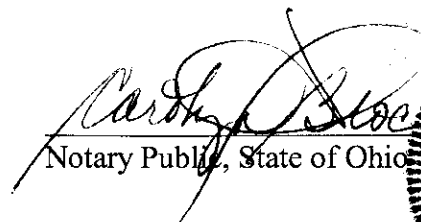
FURTHER AFFIANT SAYETH NAUGHT.



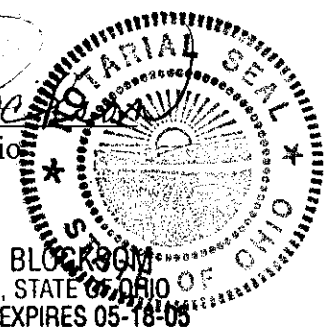
Stephen K. Shaw

Sworn to and subscribed in my presence on this 12th day of January by Stephen K.

Shaw, who is personally known to me.



Notary Public, State of Ohio

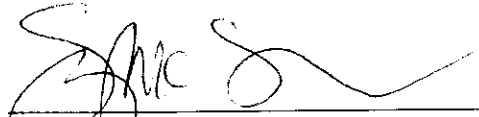


CAROLYN D. BLOCKSOM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05-18-05

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Affidavit has been manually filed with the Court and has been served upon the following counsel of record on this 13th day of January 2004 via U.S. Mail.

Lucian Bernard, Esq.
Attorney at Law
1224 Highway Avenue
Covington, Kentucky 41012



Stephen K. Shaw (0018652)
Assistant Prosecuting Attorneys